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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/076,729

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Rod D. Lawing

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EXAMINER

TRAN, PHILIP B

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 08/08/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/076,729

Applicant(s)

Lawing et al

Examiner

Philip B. Tran

Art Unit

2155



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 27, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

Response to Amendment

1. This office action is in response to the amendment filed on 5/28/2003. Claims 1-20 are presented for further examination.

Response to Arguments

2. Applicant's arguments have been fully considered but they are not persuasive because of the following reasons :

Applicant argued that the cited prior arts teach away from the claimed invention and fails to teach the combination of claimed features.

In response to applicants' arguments, the law of anticipation requires that a distinction be made between the invention described or taught and the invention claimed. It does not require that the reference "teach" what the subject patent teaches. Assuming that a reference is properly "prior art," it is only necessary that the claims under consideration "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it.

Colman v. Kimberly-Clark Corp., 218 USPO 789.

Applicant's arguments are not found persuasive because Davis teaches a method for centrally managing plural network clients interfaced with a network host comprising initiating a login script at a network client, the login script calling a login routine associated with the network host that operationally manages the configuration of the network client such as login script is invoked when the end user of the client computer attempts to logon to the server [see Fig. 5A and Col. 11, Lines 30-46]. In addition, Davis further teaches installing a start-up routine with login routine, the start-up routine associated with the network client, and using a start-up

routine to determine the operating system of the network client, and managing the configuration of the operating system of the network client with the start-up routine according to the operating system of the network client. For example, server performs user validation as well as other functionality associated with the logon process including centralized management on heterogeneous client computer systems of different natural languages, different operating system types, and/or different processors types in order to install appropriate software. Thus, determining and managing the configuration of the network client are carried out [see Abstract and Figs. 3 to 5B and Col. 2, Lines 45-67, and Col. 5, Line 51 - Col. 6, Line 9, and Col. 11, Lines 47-49].

Therefore, the examiner asserts that the cited prior art teach or suggest the subject matter broadly recited in independent claims. Claims 2-8, 10-16, 18-21, 23-28, and 30-43 are rejected at least by virtue of their dependency on independent claims and by other reasons set forth in the previous office action [see Paper No. 5]. Accordingly, claims 1-43 are respectfully rejected as below.

Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 1-18 and 20-29, and 31-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis et. al. (Hereafter, Davis), U.S. Pat No. 5,742,829.

Regarding claim 1, Davis teaches a method for centrally managing plural network clients interfaced with a network host, comprising :

initiating a login script at a network client, the login script calling a login routine associated with the network host that operationally manages the configuration of the network client (i.e., logon script is invoked when the end user of the client computer attempts to logon to the server) [see Fig. 5A and Col. 11, Lines 30-46]; and

installing a start-up routine with login routine, the start-up routine associated with the network client, and using a start-up routine to determine the operating system of the network client, and managing the configuration of the operating system of the network client with the start-up routine according to the operating system of the network client (i.e., server performs user validation as well as other functionality associated with the logon process including centralized management on heterogeneous client computer systems of different natural languages, different operating system types, and/or different processors types in order to install appropriate software) [see Abstract, and Col. 2, Lines 45-67, and Col. 5, Line 51 - Col. 6, Line 9, and Col. 11, Lines 47-49].

Regarding claim 2, Davis further teaches directing the network client to install predetermined local utilities; and directing the network client to load predetermined network utilities (i.e., configuring whether to load programs onto the clients) [see Col. 11, Lines 1-29].

Regarding claims 3-5, Davis further teaches initiating a login routine resides on the network host with the login script, and using the login routine to initiate the start-up routine on the network client [see Figs. 2-3C, and Col. 9, Line 1- Col. 10, Line 12].

Regarding claim 6, Davis further teaches the operating system comprises one of either Windows NT or Windows 95 [see Col. 5, Lines 15-20].

Regarding claims 7-8, Davis further teaches the start-up routine installs the predetermined local utilities according to launch manager values and setting launch manager values with a launch manager [see Col. 14, Line 45 - Col. 15, Line 7].

Regarding claim 9, Davis teaches a method for centrally managing plural network clients interfaced with a network host, comprising :

initiating a login script at a network client (i.e., logon script is invoked when the end user of the client computer attempts to logon to the server) [see Fig. 5A and Col. 11, Lines 30-46];

automatically calling a login routine, the login routine operationally managing the configuration of an operating system of the network client, using the login routine to install a start-up routine on the network client, and automatically calling the start-up routine, the start-up routine operationally managing the start-up of the network client (i.e., server performs user validation as well as other functionality associated with the logon process including centralized management on heterogeneous client computer systems of different natural languages, different

operating system types, and/or different processors types in order to install appropriate software) [see Abstract, and Col. 2, Lines 45-67, and Col. 3, Lines 24-39, and Col. 5, Line 51 - Col. 6, Line 9, and Col. 11, Lines 47-49].

Claim 10 is rejected under the same rationale set forth above to claim 2.

Regarding claims 11-12, Davis further teaches the login routine manages the configuration of the network client by performing a method comprising gathering system information and creating standard directories [see Col. 6, Line 66 - Col. 7, Line 31], determining the operating system of the network client [see Col. 5, Line 51 - Col. 6, Line 9], installing default applications [see Col. 12, Line 61 - Col. 13, Line 38], and establishing a desktop configuration by installing the launch manager [see Abstract, and Figs. 2-3C, and Col. 8, Line 56 - Col. 9, Line 14].

Regarding claim 13, Davis further teaches the login routine resides on the network server [see Fig. b and Col. 8, Line 56 - Col. 9, Line 39].

Regarding claim 14, Davis further teaches the launch manager resides on the network client [see Fig. 3C and Col. 15, Lines 2-7]. It is inherent that there is existence of the launch manager.

Claims 15-16 are rejected under the same rationale set forth above to claim 6.

Regarding claim 17, Davis teaches a system for central management of plural network clients interfaced with a network host, each network client having an operating system, comprising :

a start-up routine associated with each network client, the start-up routine operational to determine the network client operating system, and to direct network clients to install predetermined local utilities, the start-up routine further operational to direct network clients to load predetermined network utilities (i.e., configuring whether to load programs onto the clients) [see Col. 11, Lines 1-29]; and

a login routine associated with each network client, the login routine operational to determine the network client operating system, and to manage configuration of the network client operating system according to the determined network client operating system [see Abstract, and Figs. 2-3C, and Col. 2, Lines 15-31, and Col. 8, Line 56 - Col. 9, Line 39, and Col. 9, Line 1 - Col. 10, Line 12, and Col. 14, Line 29 - Col. 15, Line 16].

Regarding claim 18, Davis further teaches the network comprises a local area network [see Col. 1, Lines 40-51, and Col. 4, Lines 13-55].

Claim 20 is rejected under the same rationale set forth above to claim 14.

Claim 21 is rejected under the same rationale set forth above to claim 6.

Claim 22 is rejected under the same rationale set forth above to claim 1.

Regarding claims 23-24, Davis further teaches determining an exception to the start-up routine and preventing the initiation of start-up routine [see Col. 14, Lines 29-46].

Regarding claims 25-26, Davis further teaches executing the start-up routine instructions on the workstation to initiate a pulse tool on the workstation and monitoring a network queue with the pulse tool to determine actions for the workstation (i.e., the site server acts as the management system for all sites) [see Col. 5, Line 47 - Col. 6, Line 22].

Regarding claims 27-28, Davis further teaches sending a message to the workstation over the network to approve or defer installation of the application, tracking the number of deferrals, and initiate installation of the application [see Figs. 5A & 5B and Col. 13, Line 39 - Col. 14, Line 47].

Claim 29 is rejected under the same rationale set forth above to claim 22.

Regarding claim 31, Davis further teaches an application and message initiating installation of the application [see Col. 13, Line 39 - Col. 14, Line 47].

Claims 32-33 are rejected under the same rationale set forth above to claims 25-26.

Claim 34 is rejected under the same rationale set forth above to claim 23.

Regarding claim 39, Davis further teaches managing configuration of the operating system of the network client comprises managing configuration of one or more of :

one or more network communication protocols associated with the operating system of the network client;

one or more patches associated with the operating system of the network client;

one or more network security releases associated with the operating system of the network client; and

one or more site-specific configuration requirements associated with the operating system of the network client (i.e., site configuration manager is responsible for managing or modifying configuration associated with a change in the operating system of the client computer) [see Abstract and Col. 3, Line 24 - Col. 4, Line 56 and Col. 9, Lines 8-39 and Col. 10, Lines 43-65].

Claims 40-43 are rejected under the same rationale set forth above to claims 39.

Claim Rejections - 35 U.S.C. § 103

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CAR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 19, 30 and 36-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis et. al. (Hereafter, Davis), U.S. Pat No. 5,742,829.

Regarding claim 19, Davis does not explicitly teach the network comprises a wide area network. However, the use of a variety of networks such as LAN and WAN is well-known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a WAN in the network in order to extend connections to geographically separated areas in the network.

Regarding claims 30 and 36-38, Davis does not explicitly teach icons, browser, screen shot, and hot link to intranet site. However, the act of displaying information associated with those elements are well-known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include screen shot and hotlink as well as icon and browser in order to display information while performing network monitoring.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR REPLY TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS ACTION. IN THE EVENT A FIRST REPLY IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CAR 1.136(A) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT, HOWEVER, WILL THE STATUTORY PERIOD FOR REPLY EXPIRE LATER THAN SIX MONTHS FROM THE MAILING DATE OF THIS FINAL ACTION.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (703) 308-8767. The Group fax phone number is (703) 305-7201.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached on (703) 308-6662.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

PBT
Philip Tran
Art Unit 2155
Aug 01, 2003


HOSAIN T. ALAM
PRIMARY EXAMINER